

THE ARIZONA JOURNAL-MINER

Oldest Paper in Arizona Established March 9, 1864.

Published by

THE JOURNAL-MINER PUBLISHING COMPANY

Member Associated Press.

Published Every Morning Except Monday.

J. W. MILNES, Editor and Manager.

TERMS:

Daily, per year	\$9.00
Daily, per month	.75
Weekly, per year	2.50
Weekly, six months	1.50
Weekly, three months	1.00

Payable in Advance.

Under the requirements of the new Postal Law, subscriptions are payable in advance in order that the paper may be permitted to pass through the mails as second-class matter. Accordingly, subscriptions will be stopped at expiration.

Entered at the Postoffice, Prescott, Ariz., as second-class mail matter

Editorial Comment

THE PROSPECTOR AND LEGAL RESTRICTIONS

Discussing the mining law, which provides that no mineral location is valid unless a discovery has been made, the Engineering and Mining Journal says that this restriction is antiquated and conceded to be irrational by common consent, also that breaches of the law in this respect are connived at by the Department of the Interior. "Otherwise," it asks, "how could claims be allowed upon deep leads, for which the prospector must have some unassailable possessory right before spending the large amount of money to open the channel of auriferous gravel that has no surface showing to be discovered?" The Journal uses this argument by way of introduction to the statement that "the field agents of the forest service seem to have revived this ancient law, which is about as applicable to modern conditions as one of the Blue Laws of Connecticut."

We think an examination of the matter will show that this phase of the mining law has become "antiquated" because the Department of the Interior does not possess the facilities for enforcing a proof of discovery when location filings are made. The government, as a matter of fact, does not know anything about the matter until patent proceedings are instituted, for location certificates are recorded under state laws. On the other hand, the courts do not consider the law "antiquated," and if the issue is raised by a third party, the locator will be required to defend his discovery.

As for the prospector, he is entitled to dig upon the public domain as extensively as he pleases, he will not be interfered with by rival prospectors unless he has something worth showing, he will not spend large sums of money in development unless he is able to prove to his own satisfaction that the money is "prudently" spent (which is proof enough in the supreme court), and, lastly, he has the district customs to protect him in his inchoate rights. Beyond this, in view of the abuses to which pretended locations are so often put, he should not expect any favors of the public domain. It is easy enough—in fact, too easy—to get over the difficulty of proving a discovery. If the forest agents seek to restrain a citizen from prospecting on a reserve, that raises an entirely different question, which should not be confused with the possible complaints against the mining statute. We think there is entirely too much sentiment wasted over the legal hardships of the prospector. Practically the whole domain is his for as little or as much effort as a prudent man would see fit to expend.

An important modern phase of this question is commonly overlooked. This grows out of the intensive use of the corporation in the location and exploitation of prospects. In such cases, the evidence of "prudence" does not usually extend to the stockholders in a body, because the exercise of judgment in determining the nature of a discovery is, by the very conditions of corporate organization and management, limited to the organizer or organizers. The other stockholders have a right to rely upon the statute, by virtue of which the mere fact of location is prima facie evidence of discovery. If the fact of location is not evidence of discovery, then it were time that antiquated custom be revived, or that the statutory restriction be abolished outright, to the end that a certificate of location be relieved from a mere pretense.

SCRATCHING AND DISCRIMINATION.

One can hardly contemplate the election results without being impressed with the large amount of ballot scratching reported from many states. In one prominent Republican state, Ohio, Mr. Taft received a majority of the votes, while a Democratic govern-

or was chosen. The same thing happened in Indiana. In Missouri, Bryan for a time had a slight lead, while a Republican candidate for governor was elected by a handsome plurality. From other sections similar reports have come, affecting not only high offices, but those of lesser consequence. So much scratching has been done that in some places the returns have been delayed.

These things indicate a strong tendency to popular discrimination, an assertion of popular independence. We hear so much about the phantasmagoria of the masses of the American people that one may view this spirit of discrimination and independence with a great degree of satisfaction. A thoughtful body of voters means also a thoughtful body of business men, and what is of special interest to the people of Arizona, a thoughtful body of investors. The great hope of industrial finance is in training up a large contingent of intelligent stockholders, who learn to discriminate between the good and bad points of an industrial or financial opportunity. While fiscal agents and brokers can do business with untrained investors and speculators, they can do a much better and more satisfactory business with those who are trained.

That so many thousands of voters show themselves capable of discriminating in political matters proves that we can have a great body of stockholders equally discriminating. It is almost certain that the public interest in industrial promotions will become more extensive as time goes on, for the corporation method of enlisting co-operation in business is gaining ground every day. The people are beginning to see the importance to themselves of allaying themselves with public corporations that are engaged in the varied works of the nation. If they do not do so, they will in time have scarcely any part in the growing prosperity of the country. Those who wish to participate are quite generally doing so in the co-operative manner here indicated.

Thus we may expect an expanding industrial democracy, in which an intelligent citizenship of stockholders will insure greater efficiency and a wider prosperity for those interested. We are becoming more and more a nation of stock investors, and this growth is not only one of numbers but of experience in the working processes of corporations and financial problems. Industry is becoming nationalized, as exemplified by the history of the public interest in mining, and it is this discipline of the investor that prepares him to take on larger responsibilities that follow from the new order of things. The American people must learn the business of investment in all its complex phases, for this is the form which their economic activities must take. Let those who will, think they can remain aloof from the new system of industry, but they will discover in time that they have failed to profit by the developments of the twentieth century.

MARVELOUS INCIDENT.

The ante-election cries of politicians are not usually taken seriously. When, during October, the promise of revived business was sent forth as contingent upon the victory of Mr. Taft, many, no doubt, credited those statements to the vagaries of campaigners. But the event has proven to be even better than the promise. Seldom has one observed such a universal outburst of confidence and business satisfaction as that which immediately followed the announcement of Mr. Taft's election. It has been really a psychological mar-

vel—verily, a spontaneous Te Deum from the hearts of anxious men, a bidding of faltering hands to faithful tasks, a leaping of confident capital in the womb of prosperity.

And what is the cause of it all? We can draw no other conclusion than that the man Taft has drawn to his personality and the sentiments for which he stands the good will of a whole nation. Even those who wished for his opponent's election have been heard to express relief and a vague feeling of joy that the suggestion of reactionary experiments has been overthrown. We view it as the sudden aspiration of progress, following close upon a period of spiritual desolation, distrust and unrest, and confirmed by a knowledge that the word justice will be the keynote of the forthcoming administration.

Mr. Taft is a great jurist. By the very habit of his mind, he is certain to construe public questions in the light of the fundamental notions of the law. The greatest king of England was known as the Law Giver, for he reconciled discordant traditions and consolidated them into a body of sacred rights, with an unselfish purpose that has seldom been known in a ruler. Mr. Taft is a Law Interpreter. He was suited for a place upon the supreme bench of the United States, and he could have successfully aspired to such an honor. Perhaps the country is more fortunate in having this man in the executive office, at a time when there is a vast uncertainty as to the legal aspects of great new-born questions and when the settlement of them such be made under the guidance of a man of substance, learned in the law and nourished by the traditions of calm justice in behalf of high and low.

If there be yet a doubter, let him revert to Mr. Taft's speech of acceptance, delivered three months ago. We remarked at the time that it was a most superior and masterly document. It is just as good now as it was then, because there is an evenness of purpose in his make-up, and he was just as willing to speak his true mind as a candidate as he doubtless is now as a victorious aspirant for high office. The speech in which Mr. Taft paid such high tribute to his sound judgment is well worth reading again.

Through their confidence in the president-elect, the people of the nation have joined together in a Society of Loyal Progressives. That is the reason for the spontaneous cry of good will.

THE RAPE OF A SWITCH.

In other columns we print a Phoenix dispatch in regard to a distressing incident concomitant with the territorial fair. We refer to the episode where a rash and we fear avaricious woman rented her switch to the friend of a friend and the switch failed to come back when it was due.

The capital city press treated this complication—we are sure its seriousness entitles it to be termed complication—with a great display of levity. One of our contemporaries, in whose good taste and appreciation of the fitness and value of things we have always held great confidence, makes it the theme of a bit of Kiplingesque doggerel, a tintinnabulation about a "hank of hair."

To us—and we are certain we are not deficient utterly in a sense of humor—this bantering attitude of the Phoenix press is misplaced toward the incident itself and unfeeling toward the switchless woman.

To support what we deem a more proper position on this matter we call attention to the dignified consideration given a similar incident by the poet Pope. Yet in the instance dealt with by Pope's classic it was a single lock, not an entire switch, of which Belinda was bereft. Now while hirsute lore is not one of this sanctum's specialties, we feel no temerity in asserting that a switch is a far more important matter than a lock and the abstraction of a switch is an infinitely more serious loss to its owner than the stealing of a lock.

Thus having shown to our misguided contemporary that its sense of humor has run awry, we will dismiss the incident with this rebuke to the rash woman who rented her switch: on the life-line there is a point where the lending or renting of wearing apparel should stop, and the danger signal is at the switch.

FOR THE CONSUMER.

In the coming tariff revision there is going to be a new force to reckon with. In the past when the Republicans built a tariff law it has been the producer and the need of protecting him that has been kept in mind. In the forthcoming revision the consumer is going to loom up as entitled to consideration.

Economists agree that one of the greatest needs of this country is a cheaper breakfast table. Desirable as are high wages, when the most of living increases faster than the wage the wage-earner does not gain. Now that the next national election is two years removed, the subject can be viewed impartially without trodding on anybody's political toes; and the job of passing a satisfactory tariff bill does not appear a bit easier as the time for its undertaking draws nearer.

The Republican party, we admit, is to be on trial this winter. The country has entrusted it again with the duty of framing a tariff law, and they realize that unless they make a sat-

isfactory job of it things will go hard with them in the congressional elections of 1910.

OFFICIAL COUNT GIVES HERNDON AND ROSS MINUTE MAJORITIES

(Continued from Page One.)

District Attorney.
H. D. Ross (D) 1409
J. C. Forest (R) 1403
T. J. Boltz (S) 319
Ross' plurality, 6.

Recorder.
J. C. Bradbury (R) 1505
Theo. Wade (D) 1322
G. W. Hill (S) 309
Bradbury's plurality, 183.

Probate Judge.
C. P. Hicks (D) 1622
Richard Lamson (R) 1157
G. W. Hart (S) 313
Hicks' plurality, 365.

School Superintendent.
J. B. Jolly (D) 1748
Miss Minnie Wolfe (S) 695
Jolly's plurality, 1143.

Supervisors.
Barney Smith (R) 1446
J. W. Stewart (D) 1398
J. C. Stephens (D) 1353
A. S. Haskell (R) 1303
A. Kendrick (S) 323
A. Dickerson (S) 326
Smith's plurality, 48.
Stewart's plurality, 45.

Surveyor.
Park W. Latimer (D) 1382
W. H. Merritt (R) 1242
E. B. Simanton (S) 343
Latimer's plurality, 140.

Justice of Peace, Prescott.
C. H. McLane 413
J. M. W. Moore 370
P. J. Keohane 361
Eli S. Perkins 107
McLane's plurality, 63.
Moore's plurality, 9.

MINING IN WALKER DISTRICT IS THRIVING

Midnight Snap Mine Has Shipped Ore With Good Profit

(From Tuesday's Daily)
"Walker district will prove one of the richest mining sections of the county," A. J. Duran, who arrived here last night from his mines, said to a Journal-Miner representative.

"All that is necessary to prove it is deep mining. Developments there prove that the ore gets richer as depth is gained. The sulphide ores carry better values than those nearer the surface. The ore bodies below water level are generally found larger than on the surface."

"Recent shipments made to the Needles smelters from the Griffin property gave net returns of \$50 to the ton after transportation and reduction charges were deducted."
"One of the most promising properties in the district under development is owned by W. P. McLeod. The shaft is now down 80 feet and the ore body is known to be nine feet in thickness with no walls in sight. The paystreak will be crosscut to determine its thickness when the 100 foot level is reached. The ore is a heavy lead and zinc product, carrying good values in gold. It is an admirable concentrating proposition."

Duran has a force of men developing the Rattlesnake vein, which cuts through his Midnight Snap claim. The vein has produced some of the richest ever mined in the district. He is confident that it will open into a valuable property.

He also says that operations are being pushed on the Pine Mountain mine by the Inter State Gold Company under the management of W. C. Tonkin. The property is showing better than anticipated by the shareholders of the company. New ore bodies unknown to exist before have been discovered in the lower levels in the last two months.

GETS JUDGMENT AT MAYER.

Rigby Plant Is Running to What Was Expected of It.

(From Sunday's Daily)
Attorney J. E. Russell has returned from Mayer, where he appeared for plaintiff in the case of ejectment of Mrs. Lucy E. Whiny versus O. Ardrey, in which justice for plaintiff was returned in the Mayer justice court.

Ardrey rents the plaintiff's ranch on the Agua Fria river. He is alleged to have refused to either pay the agreed rent or vacate the premises. Defendant appeared in his own behalf in the justice court. His defense was that the summer rains had destroyed his crops and that he did not realize enough from them to justify him in paying rent.

Attorney Russell says that the plant of the Rigby Mining and Reduction Company at Mayer has been running a week and that he was assured by H. A. Clarke, general manager, that it was realizing up to expectations.

Journal-Miner for high class job work.

ASSAILANT OF HENEY IN CELL
BED SENDS BULLET INTO BRAIN

SAN FRANCISCO, Nov. 14.—Morris Haas tonight committed suicide by shooting himself through the middle of the forehead with a pistol he had concealed about his person.

Haas went to bed at 8 o'clock in the county jail, and covered his face with his blanket. At 8:40 o'clock a shot was heard from the cell, and when the guards entered they found the prisoner rolled out of bed and was lying dead on the floor.

A forty-one caliber single shot Derringer was grasped in his hand. His left trouser leg was pulled up, and an examination showed a mark on his leg where the weapon had rested while concealed in his left shoe. He wore garters with elastic sides, making this possible.

After he shot Heney yesterday Haas was searched by Burns, and later at the jail, but neither time was his shoe examined.

Haas went to bed last night and tonight with his shoes on. When asked why he did so he said he would rather sleep with them on. William J. Burns, head of the corps of special detectives employed by the prosecution, and District Attorney spent considerable time with Haas, the would-be assassin, in the county jail today, interrogating him closely. Very little was elicited that was not included in the statement made by Haas last night.

TAFT'S CABINET MATTER OF DOUBT
CAMPERS CAUSE MANY FOREST FIRES

Garfield And Wilson Are Sure to be Retained In Make Up
Carelessness To Often Is Origin Of Timber Conflagration

Special to the Journal-Miner.
WASHINGTON, Nov. 16.—When you read complete lists of the cabinet which will go into office with President-elect Taft on March 4 next, you don't have to believe it. Even if the amiable Mr. Taft were disposed to allow the enthusiastic journalists to relieve him of the task of cabinet making all the lists cannot be correct, because Mr. Taft's volunteer assistants are unable to agree among themselves.

As a matter of fact, Mr. Taft has not himself seriously undertaken the job of constructing a cabinet and isn't going to until he gets well rested from the labors of the campaign, for cabinet making is about as complex and perplexing a task as mortal man ever tackled. Mr. Taft may have tentatively picked two or three men for certain portfolios, but beyond that he has not gone.

It will be recalled that a week ago all the cabinet lists had Elihu Root at their head as secretary of state. It now seems assured that Root will be elected senator from New York to succeed Platt, so Mr. Taft is under the necessity of finding another for the premiership. That task alone is enough to engage any man's thought between now and March 4. Picking the successor in the cabinet of Root is going to furnish material for a lot of speculation, but it is better than ever money bet that when the choice finally becomes known he will be a man the volunteer cabinet makers had not thought of.

There are two members of the present cabinet who are certain to remain as Taft advisers, at least for a time. One is James R. Garfield, Secretary of the Interior, who has been one of Taft's closest friends and most earnest supporters, and the other is James Wilson, Secretary of Agriculture, who by holding over a few months into the Taft administration will eclipse all previous records for continuous cabinet service. Albert Gallatin having been secretary of the treasury under Presidents Jefferson and Madison for twelve years and two months. Mr. Wilson is ambitious to surpass the Gallatin record and as the president-elect holds him in high esteem it is not to be supposed for a minute that he would deny the secretary this privilege. Whether he will continue longer at the head of the agricultural department depends upon Taft's pleasure and the state of Wilson's health, which is not at all robust. It is not likely Mr. Garfield will serve long in Taft's cabinet, as he is ambitious for a foreign diplomatic post and Taft is willing to gratify that ambition. As a son of a former American president, Mr. Garfield would be warmly welcomed at any of the courts of Europe, even though he is not possessed of the wealth necessary to a social splurge.

Aside from Garfield and Wilson, no one knows whether any member of the present Roosevelt cabinet will continue under Taft, though considerable pressure is being brought to bear to keep George B. Cortelyou at the head of the treasury.

PUBLIC RECORDS.

Instruments Filed as Reported By The Prescott Title Co.

W. C. Hanson locates Hail Storm Mine, Haas Dist.

W. C. Kent to Joseph Baillargeon, M. Deed. Ht. int. in April Phool Mine, Haas Dist.

Andrew Z. Smith locates George Washington Placer, Walker Dist.

J. E. & L. C. Derrick file A. F. A. work on 3 mines, Cherry Creek Dist.

Special to the Journal-Miner.
WASHINGTON, Nov. 16.—What starts these forest fires? This question has been asked over and over again this summer by readers of the accounts of destructive forest fires which have been raging in all parts of the country.

Campers and locomotives, is the usual answer. Many of the other things which start blazes in the forest are gotten. It is true that perhaps one-half to three-fourths of the forest fires do begin as a result of the carelessness of some camper, or from sparks flying from locomotives, but there are a number of things which set the woods afire.

A complete report of forest fires on the private forests of the country and their causes is not kept by anyone. Uncle Sam, however, is most careful to account for the damage done by the blazes on his timberland under forest administration, aggregating about 165,000,000 acres, and each year the total area burned over, the timberland burned over, the amount of timber destroyed and its value, the cost of fighting fires, and the causes of fires are carefully checked up. These reports are made at the end of the calendar year, and the announcement of this year's losses will therefore not be known for more than two months.

Last year's figures, however, give a good idea of the things which cause fires in forests. Of the 1,355 fires discovered on the national forests last year, all of which were checked by the rangers before they had burned over fourteen hundredths of one per cent of the national forest area, campers caused 346, while railroads followed next with 273; lightning came next, with 176; donkey engines used in lumbering operations, fourth, with 65; careless brush burning by homesteaders clearing land, 34; fires caused by insectaries and those set by herders and hunters, 30. For more than 400 of the fires, the cause is not known. This is not strange when it is remembered that a fire may smolder for days, the air is too thick to permit the smoke to be seen at a distance, before it breaks out when fanned by a wind so as to reveal its presence to the watchful forest officer.

While campers caused more fires than locomotives last year, there are many seasons when the railroads hold undisputed claim to first place. Forest fires started by both are most unnecessary. If campers would exercise care in starting camp fires and be sure that they are extinguished before they are left, and if the railroad companies would use the most modern and efficient spark arresters, it is reasonable to think that the annual forest fire loss could be reduced more than one-half. Lightning ranks third among the causes of fires, and, of course, man has no greater responsibility in this case than to put the fire out as soon as possible after discovery. Careless brush burning by homesteaders and persons clearing land is said to be the cause of many of the fires which have started this year, particularly those which have swept over the Lake states.

The ranger force on many of the national forests have been kept busy fighting fires which, if left to run unchecked, would have done incalculable damage. By quickening communication between important points through the construction of telephone lines, building roads and trails, the national forests have been made more accessible during the past two years and fighting has been greatly facilitated.

When your "fad" grows old sell through a Journal-Miner want ad.